



**US Army Corps  
of Engineers®**

## **SPECIAL PUBLIC NOTICE**

*LOS ANGELES DISTRICT*

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### **NATIONWIDE PERMIT REISSUANCE REQUEST FOR COMMENTS**

On August 9, 2001, the U.S. Army Corps of Engineers published in the Federal Register its proposal to reissue the Nationwide Permits (NWP). NWPs are general permits issued on a nationwide basis to authorize minor activities with minimal evaluation time. Some activities authorized by NWPs require pre-construction notification to the District Engineer before commencing with the work. This notification requirement to the District Engineer is necessitated to ensure that activities authorized by these NWPs have minimal individual and cumulative adverse impacts on the aquatic environment.

This notice is the public's opportunity to comment on the proposed re-issuance of existing NWPs and conditions. Comments on a national issues relating to these NWPs should be sent to the GAO Building, Office of the Chief of Engineers, Regulatory Branch (ATTN: CECW-OR), 441 G Street, N.W., Washington, D.C. 20314-1000. **Comments on the proposed new and modified NWPs are due at the above address by September 24, 2001.**

**Location of the public hearing:** The U.S. Army Corps of Engineers Headquarters Office will conduct a public hearing in Washington, D.C., on September 12, 2001, at the GAO Building, 7th floor auditorium. The intent of this hearing is to solicit public comments; both oral and written, on the NWP Program as a whole or on individually proposed NWPs on a national level. The public record for this hearing will conclude at close of business September 22, 2001. This date is separate from the Federal Register notice closing date for the receipt of written comments. For further information on the hearing or the proposed NWPs, please contact Mr. Rich White at (202) 761-4599, or Mr. Sam Collinson, at (202) 761-4594.

In addition to the NWP general conditions, Division Engineers are authorized to add regional conditions specific to the needs and/or requirements of a particular region or State. Regional conditions are an important mechanism to ensure that impacts to the aquatic environment authorized by the NWPs are minimal, both individually and cumulatively. Division Engineers may also suspend or revoke specific NWPs in certain geographic areas (e.g., States or watersheds) or high-value aquatic systems where impacts authorized by those NWPs may be more than minimal. Attached to this public notice are the proposed regional conditions currently under consideration by the South Pacific Division for the Los Angeles District (the boundaries of the Los Angeles District are defined as the coastal drainages of San Luis Obispo County, the eastern drainages of Mono County to the Conway Summit north of Mono Lake, the eastern drainages of Inyo County, all of Kern, San Bernardino, Riverside, Imperial, Santa Barbara, Ventura, Los Angeles, Orange and San Diego counties in California, and all of the State of Arizona.). The Los Angeles District is seeking comments on the proposed regional conditions and seeking comments on the need for additional regional conditions to help ensure that impacts authorized by the proposed NWPs are minimal. In response to the comments received on regional conditions, an additional public notice announcing any additional proposed regional conditions will be published. When the Division Engineer approves regional conditions, those regional conditions become effective when the final NWPs public notice is announced. Unless otherwise noted, all proposed regional conditions listed in this public notice are applicable for activities in the Los Angeles District.

**Comments on regional issues pertinent to the proposed NWP's and regional conditions should be sent to:**

U.S. Army Corps of Engineers, Los Angeles District  
Regulatory Branch  
ATTN: CESPL-CO-R (Attn: A. Allen/R. Kaiser)  
P.O. Box 532711  
Los Angeles, California 90053-2325

**Comments on regional issues and the proposed regional conditions are due at the above Los Angeles District address by September 24, 2001.** Similar public notices proposing regional conditions in other regions or States are being published concurrently by other division or district offices.

For those NWP's that result in a discharge into waters of the United States, individual Tribal or State Section 401 Water Quality Certification or waiver is required. Additionally, State Coastal Zone Management Act consistency concurrence or waiver is required for those NWP activities within or affecting the State's Coastal Zone. The Corps believes, in general, that these NWP's comply with State Water Quality Certification standards and are consistent with State Coastal Zone Management Plans. However, Corps Districts are working individually with the appropriate State or Tribal agencies to identify and resolve any issues before finalizing these NWP's.

Provisional determinations, including environmental documents, have been prepared indicating that these NWP's comply with the requirements for issuance under general permit authority. These documents, as well as the proposed NWP's and public hearing information, are available for viewing at the Los Angeles District office at 911 Wilshire Boulevard (11<sup>th</sup> Floor) or on the Internet at the addresses listed below.

The Corps will prepare final decision documents when the NWP's are issued or modified. These documents will be available as indicated in the preceding paragraph. Furthermore, the NWP decision documents will be supplemented by Division Engineers to address their decision concerning regional conditions for the NWP's.

Enclosed is an index of the proposed NWP's and conditions. Anyone wishing to provide comments may obtain a full text copy of the NWP's through the Corps Home Page or GPO Federal Register address listed below.

**Internet addresses:**

<http://www.usace.army.mil/inet/functions/cw/cecwo/reg/>.

As an alternate, World Wide Web users can access the Federal Register through the Government Printing Office (GPO) at <http://www.access.gpo.gov/>.

**Index of Nationwide Permits, Conditions, Further Information, and Definitions**

**Proposed Nationwide Permits**

1. Aids to Navigation
2. Structures in Artificial Canals
3. Maintenance
4. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
5. Scientific Measurement Devices
6. Survey Activities
7. Outfall Structures and Maintenance
8. Oil and Gas Structures
9. Structures in Fleeting and Anchorage Areas
10. Mooring Buoys
11. Temporary Recreational Structures
12. Utility Line Activities
13. Bank Stabilization
14. Linear Transportation Projects\*

15. U.S. Coast Guard Approved Bridges
16. Return Water From Upland Contained Disposal Areas
17. Hydropower Projects
18. Minor Discharges
19. Minor Dredging
20. Oil Spill Cleanup
21. Surface Coal Mining Activities\*
22. Removal of Vessels
23. Approved Categorical Exclusions
24. State Administered Section 404 Programs
25. Structural Discharges
26. RESERVED
27. Stream and Wetland Restoration Activities\*
28. Modifications of Existing Marinas
29. Single-family Housing
30. Moist Soil Management for Wildlife
31. Maintenance of Existing Flood Control Facilities\*
32. Completed Enforcement Actions
33. Temporary Construction, Access and Dewatering
34. Cranberry Production Activities
35. Maintenance Dredging of Existing Basins
36. Boat Ramps
37. Emergency Watershed Protection and Rehabilitation\*
38. Cleanup of Hazardous and Toxic Waste
39. Residential, Commercial, and Institutional Developments\*
40. Agricultural Activities\*
41. Reshaping Existing Drainage Ditches
42. Recreational Facilities\*
43. Stormwater Management Facilities\*
44. Mining Activities

#### Nationwide Permit General Conditions

1. Navigation
2. Proper Maintenance
3. Soil Erosion and Sediment Controls
4. Aquatic Life Movements\*
5. Equipment
6. Regional and Case-by-Case Conditions
7. Wild and Scenic Rivers
8. Tribal Rights
9. Water Quality\*
10. Coastal Zone Management
11. Endangered Species
12. Historic Properties
13. Notification\*
14. Compliance Certification
15. Use of Multiple Nationwide Permits.
16. Water Supply Intakes
17. Shellfish Beds
18. Suitable Material
19. Mitigation\*
20. Spawning Areas
21. Management of Water Flows\*
22. Adverse Effects from Impoundments

- 23. Waterfowl Breeding Areas
- 24. Removal of Temporary Fills
- 25. Designated Critical Resource Waters
- 26. Fills Within 100-year Floodplains\*
- 27. Construction Period \*

Definitions

Best Management Practices

Compensatory Mitigation

Creation

Enhancement

Ephemeral Stream

Farm Tract

Flood Fringe

Floodway

Independent Utility

Intermittent Stream

Loss of Waters of the United States

Non-tidal Wetland

Open Water

Perennial Stream

Permanent Above-grade Fill

Preservation

Restoration

Riffle and Pool Complex

Single and Complete Project

Stormwater Management

Stormwater Management Facilities

Stream Bed

Stream Channelization

Tidal Wetland

Vegetated Buffer

Vegetated Shallows

Waterbody

\* Proposed change, simplification or modification to NWP or General Condition

**Proposed Regional Conditions for the Los Angeles District:**

The following proposed regional conditions would be effective throughout the Los Angeles District unless stated otherwise. The Los Angeles District is comprised of the coastal drainages of San Luis Obispo County, the eastern drainages of Mono County to the Conway Summit north of Mono Lake, the eastern drainages of Inyo County, all of Kern, San Bernardino, Riverside, Imperial, Santa Barbara, Ventura, Los Angeles, Orange and San Diego counties in California, and all of the State of Arizona.).

(1) For coastal watersheds from the southern reach of the Santa Monica Mountains in Los Angeles County to the San Luis Obispo County/Monterey County boundary, all road crossings must employ a bridge crossing design that ensures passage and/or spawning of steelhead (*Oncorhynchus mykiss*) is not hindered in any way. In these areas, bridge designs that span the stream or river, including designs for pier- or pile-supported spans, or designs based on use of a bottomless arch culvert simulating the natural stream bed (i.e., substrate and streamflow conditions in the culvert are similar to undisturbed stream bed channel conditions) shall be employed unless it can be demonstrated the stream or river does not support resources conducive to the recovery of federally listed anadromous salmonids, including migration of adults and smolts, or rearing and

spawning. This proposal also excludes approach embankments into the channel unless they are determined to have no detectable effect on steelhead.

- (2) For the State of Arizona and the Mojave and Sonoran (Colorado) desert regions of California in Los Angeles District (generally north and east of the San Gabriel, San Bernardino, San Jacinto, and Santa Rosa mountain ranges, and south of Little Lake, Inyo County), no nationwide permit, except Nationwide Permits 1 (Aids to Navigation), 2 (Structures in Artificial Canals), 3 (Maintenance), 4 (Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities), 5 (Scientific Measurement Devices), 6 (Survey Activities), 9 (Structures in Fleeting and Anchorage Areas), 10 (Mooring Buoys), 11 (Temporary Recreational Structures), 20 (Oil Spill Cleanup), 22 (Removal of Vessels), 27 (Stream and Wetland Restoration Activities), 30 (Moist Soil Management for Wildlife), 31 (Maintenance of Existing Flood Control Projects), 32 (Completed Enforcement Actions), 35 (Maintenance Dredging of Existing Basins), 37 (Emergency Watershed Protection and Rehabilitation), and 38 (Cleanup of Hazardous and Toxic Waste), or other nationwide or regional general permits that specifically authorize maintenance of previously authorized structures or fill, can be used to authorize the discharge of dredged or fill material into a jurisdictional special aquatic site as defined at 40 CFR Part 230.40-45 (sanctuaries and refuges, wetlands, mudflats, vegetated shallows, coral reefs, and riffle-and-pool complexes).
- (3) For all projects proposed for authorization by nationwide or regional general permits where prior notification to the District Engineer is required, applicants must provide color photographs or color photocopies of the project area taken from representative points documented on a site map. Pre-project photographs and the site map would be provided with the permit application. Photographs should represent conditions typical or indicative of the resources before impacts.
- (4) Notification pursuant to general condition 13 shall be required for projects in all special aquatic sites as defined at 40 CFR Part 230.40-45 (sanctuaries and refuges, wetlands, mudflats, vegetated shallows, coral reefs, and riffle-and-pool complexes), and in all perennial watercourses or waterbodies in the State of Arizona and the Mojave and Sonoran (Colorado) desert regions of California in Los Angeles District (generally north and east of the San Gabriel, San Bernardino, San Jacinto, and Santa Rosa mountain ranges, and south of Little Lake, Inyo County).
- (5) Notification pursuant to general condition 13 shall be required for projects in all areas designated as Essential Fish Habitat by the Pacific Fishery Management Council (i.e., all tidally influenced areas).
- (6) Notification pursuant to general condition 13 shall be required for projects in all watersheds in the Santa Monica Mountains in Los Angeles and Ventura counties bounded by Calleguas Creek on the west, by Highway 101 on the north and east, and by Sunset Boulevard and Pacific Ocean on the south.
- (7) Individual permits shall be required for all jurisdictional vernal pools.
- (8) Individual permits shall be required in Murrieta Creek and Temecula Creek watersheds in Riverside County for new permanent fills in perennial and intermittent watercourses otherwise authorized under NWP 39, 42 and 43, and in ephemeral watercourses for these NWPs for projects that impact greater than 0.1 acre.
- (9) Individual permits shall be required in San Luis Obispo Creek and Santa Rosa Creek in San Luis Obispo County for bank stabilization projects, and in Gaviota Creek, Mission Creek and Carpinteria Creek in Santa Barbara County for bank stabilization projects and grade control structures.